

BEFORE THE FEDERAL ELECTION COMMISSION

**In the Matter of**

) MUR 5489; MUR 5581; MUR 5513; and  
) MUR 5533

**Bush-Cheney '04, Inc. and David Herndon, in his official capacity as treasurer; Citizens for a Sound Economy, Inc. n/k/a Freedom Works, Inc.; Russ Walker; Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer; Steve Schmidt; Oregon Family Council; Michael White; Tim Nashif; Oregon Republican Party and Charles Oakes, in his official capacity as treasurer; Kevin Mannix;**

1) MUR 5489

**Michigan Republican State Central Committee and Richard M. Gabrys, in his official capacity as treasurer; Greg McNeilly; Oregon Family Council; Citizens for a Sound Economy; Norway Hill Associates, Inc.; David Carney; Choices for America, LLC; Arizona Republican Party and Woody Martin, in his official capacity as treasurer; Ralph Nader; Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer;**

1) MUR 5581

**Norway Hill Associates, Inc.; Choices for America, LLC; Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer;**

1) MUR 5513

**Michigan Republican State Central Committee and Richard M. Gabrys, in his official capacity as treasurer; Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer**

**MUR 5533**

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 23, 2005, the Commission took the following actions in the above-captioned matter:

A. Decided by a vote of 6-0 to take the following actions in

MUR 5489 (OREGON):

1. Find no reason to believe Citizens for a Sound Economy, Inc. n/k/a Freedom Works, Inc. violated 2 U.S.C. § 441b.
2. Find no reason to believe Russ Walker violated the Act with respect to this matter.
3. Take no action against the Oregon Family Council for any potential violation of 2 U.S.C. § 441b on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
4. Take no action and close the file with respect to Tim Nashif on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
5. Take no action and close the file with respect to Michael White on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
6. Find no reason to believe Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer, violated the Act with respect to this matter.
7. Find no reason to believe Bush-Cheney '04 and David Herndon, in his official capacity as treasurer, violated the Act with respect to this matter.
8. Find no reason to believe Steve Schmidt violated the Act with respect to this matter.
9. Find no reason to believe the Oregon Republican Party and Charles Oakes, in his official capacity as treasurer, violated the Act with respect to this matter.
10. Find no reason to believe Kevin Mannix violated the Act with respect to this matter.

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11. Approve the appropriate letters.

12. Close the file in MUR 5489.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

B. Decided by a vote of 6-0 to take the following actions in

MUR 5513 (NEW HAMPSHIRE):

13. Dismiss this matter as to Norway Hill Associates, Inc., David Carney, Lauren Carney, and James McKay on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
14. Find no reason to believe Choices for America, LLC violated the Act in connection with this matter.
15. Dismiss this matter as to Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer, on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
16. Reject the recommendation of the Office of General Counsel to approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated June 2, 2005.
- 17.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

C. Decided by a vote of 6-0 to:

18. Close the file in MUR 5513 and send the appropriate letters.

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Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

D. Decided by a vote of 5-1 to take the following actions in

MUR 5581 (ARIZONA):

19. Find reason to believe the Arizona Republican Party and Woody Martin, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(a) and 434(b).
20. Find reason to believe Nathan Sproul violated 2 U.S.C. § 441a and Nathan Sproul and Sproul & Associates, Inc. violated 2 U.S.C. § 441b.
21. Find reason to believe Steve Wark violated 2 U.S.C. §§ 441a and 441b(a).
22. Find reason to believe Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b.
23. Find no reason to believe Ralph Nader violated the Act in connection with this matter.
24. Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated June 2, 2005.
25. Approve the appropriate letters.
- 26.

Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted  
affirmatively for the decision. Commissioner Smith dissented.

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E. Decided by a vote of 6-0 to take the following actions in

MUR 5533 (MICHIGAN):

27. Dismiss this matter as to the Michigan Republican State Central Committee and Richard M. Gabrys, in his official capacity as treasurer, on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
28. Dismiss this matter as to Nader for President 2004 and Carl M. Mayer, in his official capacity as treasurer, on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).
29. Find no reason to believe Greg McNeilly violated the Act in connection with this matter.
30. Reject the recommendation of the Office of General Counsel to approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated June 2, 2005.
- 31.

32. Close the file in MUR 5533 and send the appropriate letters.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub

voted affirmatively for the decision.

F. Decided by a vote of 6-0 to take the following actions:

33. Sever the allegations and respondents relating to the Oregon fact pattern out of the Complaint in MUR 5581 and add these allegations and respondents to MUR 5489.
34. Close the file in MUR 5489.
35. Sever the allegations and respondents relating to the Michigan fact pattern out of the Complaint in MUR 5581 and add these allegations and respondents to MUR 5533.
36. Sever the allegations and respondents relating to the New Hampshire fact pattern out of the Complaint in MUR 5581 and add these allegations and respondents to MUR 5513.

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Certification for MURs 5489, 5581, 5513, and 5533  
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Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

Attest:

June 24, 2005  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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